

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**ANGELA M. SIMONE  
A/K/A ANGELA MAMMARELLI SIMONE  
D/B/A VICTOR VICTORIA HAIR. ETC.  
Debtor**

**JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION  
Movant**

**v.**

**ANGELA M. SIMONE  
A/K/A ANGELA MAMMARELLI SIMONE  
D/B/A VICTOR VICTORIA HAIR. ETC.  
and  
RONDA J. WINNECOUR, ESQUIRE (TRUSTEE)  
Respondents**

**: BK. No. 19-23079-JAD  
:  
: Chapter No. 13  
:  
:  
: Hearing Date: 03/04/2020  
:  
: Hearing Time: 10:00 AM  
:  
: Objection Date: 02/04/2020  
:  
:  
:**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

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January 17, 2020

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

<b>ANGELA M. SIMONE</b>	:	<b>BK. No. 19-23079-JAD</b>
<b>A/K/A ANGELA MAMMARELLI SIMONE</b>	:	
<b>D/B/A VICTOR VICTORIA HAIR. ETC.</b>	:	<b>Chapter No. 13</b>
<b>Debtor</b>	:	
	:	
<b>JPMORGAN CHASE BANK, NATIONAL ASSOCIATION</b>	:	<b>Hearing Date: 03/04/2020</b>
<b>Movant</b>	:	
<b>v.</b>	:	<b>Hearing Time: 10:00 AM</b>
	:	
<b>ANGELA M. SIMONE</b>	:	<b>Objection</b> <span style="float: right;"><b>Date:</b></span>
<b>A/K/A ANGELA MAMMARELLI SIMONE</b>	:	<b>02/04/2020</b>
<b>D/B/A VICTOR VICTORIA HAIR. ETC.</b>	:	
<b>and</b>	:	
<b>RONDA J. WINNECOUR, ESQUIRE (TRUSTEE)</b>	:	
<b>Respondents</b>		

**MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR  
RELIEF FROM THE AUTOMATIC STAY UNDER §362 AND  
PURSUANT TO BANKRUPTCY PROCEDURE 4001**

Movant, by its attorneys, Phelan Hallinan Diamond & Jones, LLP, hereby requests a termination of the Automatic Stay and leave to proceed with its State Court rights provided under the terms of the Mortgage.

1. Movant is **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**.
2. Debtor, **ANGELA M. SIMONE A/K/A ANGELA MAMMARELLI SIMONE D/B/A VICTOR VICTORIA HAIR. ETC.**, is the owner of the premises located at **1030 MERIDIAN DRIVE, PRESTO, PA 15142**, hereinafter known as the mortgaged premises.
3. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on August 3, 2019.
4. Movant is the holder of a mortgage, original principal amount **\$500,000.00** on the mortgaged premises, that was executed on **June 1, 2006**.

5. A Proof of Claim was filed by Movant on October 24, 2019, listing pre-petition arrears in the amount of \$89,273.74. A copy of the Proof of Claim and Supporting Loan Documents are attached hereto as Exhibit "A" and made a part hereof.

6. As of November 20, 2019, the principal balance due on the mortgage is \$446,752.25.

7. As of November 20, 2019, the loan is contractually due for September 1, 2017 and interest in the amount of \$30,890.15 has accrued since the contractual due date.

8. In addition, as of November 20, 2019, the following charges, fees and costs have been added to the balance of the loan and are due and owing to Movant: Escrow Advance in the amount of \$46,669.52, and Foreclosure Fees and Costs in the amount of \$5,322.71.

9. As of November 20, 2019, the payoff due on the mortgage is \$529,634.63.

10. As of November 20, 2019, Movant has not received post-petition mortgage payments for the months of September 1, 2019 through November 1, 2019. The monthly payments for the months of September 1, 2019 through November 1, 2019 are \$3,225.30 each.

11. As of November 20, 2019, the total amount of post-petition arrearage is \$9,675.90.

12. The fair market value of the premises is \$630,000.00 based on an appraisal/BPO dated October 13, 2019. A copy of the appraisal/BPO is attached hereto as Exhibit "B" and made a part hereof.

13. There are Junior Lien holders: Nevillewood Homeowners Association filed 08/04/2009 in the amount of \$1,226.28, James M. Defide, Jr. filed 05/13/2011 in the amount of \$1,800.00, Nevillewood Homeowners Association filed 0/27/2011 in the amount of \$2,614.00, and Fred R. Sieg filed: 03/25/2015 in the amount of \$1,499.00.

14. There are no liens on the premises that are senior to Movant's lien.
15. The Debtor may have some equity in the premises.
16. The Debtor does not include this property and loan in her Chapter 13 Plan.

The Chapter 13 Plan is attached hereto as "Exhibit C".

17. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

18. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

19. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under 11 U.S.C. § 362 with respect to 1030 MERIDIAN DRIVE, PRESTO, PA 15142 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors or assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law; and

c. waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. granting any other relief that this Court deems equitable and just.

/s/ Robert P. Wendt, Esquire  
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